
WARRANT
STATE ELECTION
November 5, 2002

Hampshire, ss.

To one of the Constables of the Town of Amherst

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Amherst who are qualified to vote in Elections to vote at:

Precinct 1	North Congregational Church Hall	Precinct 6	Fort River School
Precinct 2	North Fire Station	Precinct 7	Crocker Farm School
Precinct 3	Immanuel Lutheran Church	Precinct 8	Munson Memorial Library
Precinct 4	Large Activity Room, Bangs Community Center	Precinct 9	Wildwood School
Precinct 5	Large Activity Room, Bangs Community Center	Precinct 10	Hampden Dining Hall, UMass

on **TUESDAY, THE FIFTH DAY OF NOVEMBER, 2002** from 7:00 a.m. to 8:00 p.m. for the following purpose:

To cast their votes in the State Election for candidates for the following offices:

SENATOR IN CONGRESSFOR THE COMMONWEALTH
GOVERNOR AND LIEUTENANT GOVERNOR...FOR THE COMMONWEALTH
ATTORNEY GENERALFOR THE COMMONWEALTH
SECRETARY OF STATE.....FOR THE COMMONWEALTH
TREASURERFOR THE COMMONWEALTH
AUDITORFOR THE COMMONWEALTH
REPRESENTATIVE IN CONGRESS.....FIRST CONGRESSIONAL DISTRICT
COUNCILLOREIGHTH DISTRICT
SENATOR IN GENERAL COURTHAMPSHIRE & FRANKLIN DISTRICT
REPRESENTATIVE IN GENERAL COURT.....THIRD HAMPSHIRE DISTRICT
DISTRICT ATTORNEYNORTHWESTERN DISTRICT
REGISTER OF PROBATEHAMPSHIRE COUNTY

QUESTIONS

#1 – Eliminating State Personal Income Tax

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2002?

SUMMARY:

This proposed law would provide that no income or other gain realized on or after July 1, 2003, would be subject to the state personal income tax. That tax applies to income received or gain realized by individuals and married couples, by estates of deceased persons, by certain trustees and other fiduciaries, by persons who are partners in and receive income from partnerships, by corporate trusts, and by persons who receive income as shareholders of “S corporations” as defined under federal tax law. The proposed law would not affect the tax due on income or gain realized before July 1, 2003.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would eliminate any state personal income tax for income or other gain realized on or after July 1, 2003.

A NO VOTE would make no change in state tax laws.

#2 – English Language Education in Public Schools

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2002?

SUMMARY:

This proposed law would replace the current state law providing for transitional bilingual education in public schools with a law requiring that, with limited exceptions, all public school children must be taught English by being taught all subjects in English and being placed in English language classrooms.

The proposed law would require public schools to educate English learners (children who cannot do ordinary classwork in English and who either do not speak English or whose native

language is not English) through a sheltered English immersion program, normally not lasting more than one year. In the program, all books and nearly all teaching would be in English, with the curriculum designed for children learning English, although a teacher could use a minimal amount of a child's native language when necessary. Schools would be encouraged to place in the same classroom children who are from different native-language groups but who have the same level of English skills. Once a student is able to do regular schoolwork in English, the student would be transferred to an English language mainstream classroom. These requirements would not affect special education programs for physically or mentally impaired students or foreign language classes for children who already know English.

Parents or guardians of certain children could apply each year to have the requirements waived, so as to place their child in bilingual education or other classes, if the parents or guardians visit the school to be informed, in a language they can understand, about all available options. To obtain a waiver, the child must either (1) already know English; or (2) be at least 10 years old, and the school principal and staff believe that another course of study would be better for the child's educational progress and rapid learning of English; or (3) have special physical or psychological needs (other than lack of English skills), have already spent 30 days in an English language classroom during that school year, the school principal and staff document their belief that the child's special needs make another course of study better for the child's educational progress and rapid learning of English, and the school superintendent approves the waiver. If 20 or more students in one grade level at a school receive waivers, the school would have to offer either bilingual education classes providing instruction in both the student's native language and English or classes using other generally recognized educational methodologies permitted by law. In other cases, a student receiving a waiver would have to be allowed to transfer to a school offering such classes.

A parent or guardian could sue to enforce the proposed law and, if successful, would receive attorney's fees, costs and compensatory money damages. Any school employee, school committee member or other elected official or administrator who willfully and repeatedly refused to implement the proposed law could be personally ordered to pay such fees, costs, and damages; could not be reimbursed for that payment by any public or private party; and could not be elected to a school committee or employed in the public schools for 5 years. Parents or guardians of a child who received a waiver based on special needs could sue if, before the child reaches age 18, they discover that the application for a waiver was induced by fraud or intentional misrepresentation and injured the child's education.

All English learners in grades kindergarten and up would take annual standardized tests of English skills. All English learners in grades 2 and up would take annual written standardized tests, in English, of academic subjects. Severely learning disabled students could be exempted from the tests. Individual scores would be released only to parents, but aggregate scores, school and school district rankings, the number of English learners in each school and district, and related data would be made public.

The proposed law would provide, subject to the state Legislature's appropriation, \$5 million each year for 10 years for school committees to provide free or low-cost English language instruction to adults who pledged to tutor English learners.

The proposed law would replace the current law, under which a school committee must establish a transitional bilingual education program for any 20 or more enrolled children of the same language group who cannot do ordinary classwork in English and whose native language is not English or whose parents do not speak English. In that program, schools must teach all required courses in both English and the child's native language; teach both the native language and English; and teach the history and culture of both the native land of the child's parents and the United States. Teaching of non-required subjects may be in a language other than English, and for subjects where verbalization is not essential (such as art or music), the child must participate in regular classes with English-speaking students.

Under the current law, a child stays in the program for 3 years or until the child can perform successfully in English-only classes, whichever occurs first. A test of the child's English skills is given each year. A school committee may not transfer a child out of the program before the third year unless the parents approve and the child has received an English-skills test score appropriate to the child's grade level. A child may stay in the program longer than 3 years if the school committee and the parent or guardian approve. Parents must be informed of their child's enrollment in the program and have the right to withdraw their child from the program.

The proposed law's testing requirements would take effect immediately, and its other requirements would govern all school years beginning after the proposed law's effective date. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would require that, with limited exceptions, all public school children must be taught English by being taught all subjects in English and being placed in English language

classrooms.

A **NO VOTE** would make no changes in English language education in public schools.

#3 –Taxpayer Funding for Political Campaigns (NON-BINDING ADVISORY QUESTION)

Do you support taxpayer money being used to fund political campaigns for public office in the Commonwealth of Massachusetts?

#4 –Instant Runoff Voting (NON-BINDING ADVISORY QUESTION)

Shall the state representative from this district be instructed to vote in favor of legislation or a constitutional amendment to establish instant runoff voting (a voting system that allows voters, in contests with 3 or more candidates, to rank the candidates in order of preference so as to ensure that the winner is the candidate who has more than 50% of the votes) for elections to the offices of Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General State Treasurer and State Auditor?

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 21ST day of October, 2002.

Carl Seppala
Eva Schiffer
Dolly G. Jolly
Anne S. Awad
Eddy Goldberg
Select Board, Town of Amherst

October 25, 2002

Hampshire, ss.

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

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| Precinct 1 North Amherst Post Office | Precinct 6 Fort River School |
| Precinct 2 North Fire Station | Precinct 7 Crocker Farm School |
| Precinct 3 Marks Meadow School | Precinct 8 Munson Memorial Library |
| Precinct 4 Amherst Post Office | Precinct 9 Wildwood School |
| Precinct 5 Town Hall | Precinct 10 Campus Center, UMass |

Jennifer A. Gunderson
Constable, Town of Amherst